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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/571,317	03/09/2006	Eiji Honda	Q93199	8365
23373 7590 12/10/2010 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER				
BOYLE, ROBERT C				
ART UNIT		PAPER NUMBER		
1764				
NOTIFICATION DATE		DELIVERY MODE		
12/10/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/571,317

Applicant(s)

HONDA ET AL.

Examiner

ROBERT C. BOYLE

Art Unit

1764

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 November 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 and 10-13 is/are pending in the application.
- 4a) Of the above claim(s) 1-8 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
- _____ Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- _____ Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. No new grounds of rejection have been introduced, therefore this action is properly deemed FINAL.
3. It is noted that claims 12 and 13 have been amended to depend from independent claim 10 instead of claim 9, which has been cancelled. While those dependencies have changed, the rejections presented in the previous Office Action are deemed applicable to the current claims, and are therefore maintained without need for re-writing.

Claim Rejections - 35 USC § 103

4. Claims 10-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Curtin** (US 6,150,426) in view of **GB 1,210,794** ("GB '794").
5. The rejection is adequately set forth in paragraphs 15-21 in the office action mailed on 8/24/2010 and is incorporated here by reference.
6. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Curtin** (US 6,150,426) in view of **GB 1,210,794** ("GB '794") and **Kaulbach** (WO 02/077046).
7. The rejection is adequately set forth in paragraphs 22-24 in the office action mailed on 8/24/2010 and is incorporated here by reference.

Response to Arguments

8. Applicant's arguments filed 11/23/2010 have been fully considered but they are not persuasive.

¹⁹F NMR spectroscopy

9. Applicant argues that GB '794 does not disclose the number of carboxylates determined by solid state ¹⁹F NMR spectroscopy. This is not persuasive because the measurement using solid state ¹⁹F NMR spectroscopy is not used to measure the number of carboxylates, but rather the number of main chain terminal -CF₃ groups per 1×10^5 main chain carbon atoms. See claim 10.

10. Furthermore, the measurement using solid state ¹⁹F NMR spectroscopy is used to determine a property of the stabilized fluoropolymer. Reasoning has been provided in the previous Office Action, ¶ 18, which shows that it would be obvious that the fluoropolymer of the prior art would have the same property. Thus, even though the prior art does not utilize the same testing method (using solid state ¹⁹F NMR spectroscopy), the prior art still reads on the claimed fluoropolymer.

Moisture Content

11. It is unclear where the basis for the fluoropolymers of GB '794 having a moisture content higher than 500 ppm by mass comes from. Pg. 4, ln. 119-127 of GB '794 recites the fluorination occurs in an evacuated and purged shaker tube. Therefore, it is unclear how the fluorination of US '794 would be inhibited by the moisture in the air, as it is not performed in the air.

Comparative Example 4

12. Applicant argues that the fluoropolymer of GB '784 does not have more than 10 carboxylates, as shown by Comparative Example 4 of the specification. However, it is unclear how GB '784 and Comparative Example 4 of the specification relate. It appears that Applicant assumes that they are identical; therefore the results of Comparative Example 4 can be applied to the fluoropolymers of GB '784. However, this has not been established. Rather, because GB '784 teaches elimination of unstable end groups by fluorination (pg. 2, ln. 11-20), it would appear that GB '784 is not identical to Comparative Example 4 because Comparative Example 4 use the fluoropolymer of Comparative Example 2, which is a polymer that does not contain terminal stabilization.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ROBERT C. BOYLE whose telephone number is (571)270-7347. The examiner can normally be reached on Monday-Thursday, 9:00AM-5:00PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan can be reached on (571)272-1119. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert C. Boyle/
Examiner, Art Unit 1764

/Vasu Jagannathan/
Supervisory Patent Examiner, Art Unit 1764